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**DEC 28 2005**

**OFFICE OF PETITIONS**

In re Application of

Gerhard Edler

Application No. 10/017,481

Filed: December 18, 2001

Attorney Docket No. LEIF-5

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed June 27, 2005.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.

This application was held abandoned on August 10, 2004, after it was believed that no response was received to the Corrected Notice of Allowance and Issue Fee Due, mailed January 21, 2004. The date of abandonment was mailed November 11, 2004, and a Notice of Abandonment was mailed on September 9, 2004.

A review of the record reveals that a Notice of Allowance and Issue Fee Due was mailed on January 21, 2004, requiring payment of the issue fee and publication fee. The notice set a statutory period for reply of three months from its mailing date. The issue fee and publication fee were received on April 13, 2004. The record further reveals that a Corrected Notice of Allowance and Issue Fee Due was mailed on January 21, 2004, noting a zero amount due for the issue fee and publication fee. Yet, the application was held abandoned on April 22, 2004, for failure to pay the issue fee. The abandonment of the application was improper as the issue fee and publication were, in fact, paid on April 13, 2004. The holding of abandonment is withdrawn accordingly.

The application file is being directed to the Office of Patent Publications for processing into a patent.

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Petitions Attorney  
Office of Petitions